

## § 93.164

## 40 CFR Ch. I (7–1–10 Edition)

deadline. The approval of an alternate schedule for mitigation measures is at the discretion of the State or Tribe, and they are not required to approve an alternate schedule.

[75 FR 17278, Apr. 5, 2010]

EFFECTIVE DATE NOTE: At 75 FR 17278, Apr. 5, 2010, § 93.163 was added, effective July 6, 2010.

### § 93.164 Inter-precursor mitigation measures and offsets.

Federal agencies must reduce the same type of pollutant as being increased by the Federal action except the State or Tribe may approve offsets or mitigation measures of different precursors of the same criteria pollutant, if such trades are allowed by a State or Tribe in a SIP or TIP approved NSR regulation, is technically justified, and has a demonstrated environmental benefit.

[75 FR 17278, Apr. 5, 2010]

EFFECTIVE DATE NOTE: At 75 FR 17278, Apr. 5, 2010, § 93.164 was added, effective July 6, 2010.

### § 93.165 Early emission reduction credit programs at Federal facilities and installation subject to Federal oversight.

(a) Federal facilities and installations subject to Federal oversight can, with the approval of the State or tribal agency responsible for the SIP or TIP in that area, create an early emissions reductions credit program. The Federal agency can create the emission reduction credits in accordance with the requirements in paragraph (b) of this section and can use them in accordance with paragraph (c) of this section.

(b) Creation of emission reduction credits.

(1) Emissions reductions must be quantifiable through the use of standard emission factors or measurement techniques. If non-standard factors or techniques to quantify the emissions reductions are used, the Federal agency must receive approval from the State or tribal agency responsible for the implementation of the SIP or TIP and from EPA's Regional Office. The emission reduction credits do not have to be quantified before the reduction strategy is implemented, but must be

quantified before the credits are used in the General Conformity evaluation.

(2) The emission reduction methods must be consistent with the applicable SIP or TIP attainment and reasonable further progress demonstrations.

(3) The emissions reductions cannot be required by or credited to other applicable SIP or TIP provisions.

(4) Both the State or Tribe and Federal air quality agencies must be able to take legal action to ensure continued implementation of the emission reduction strategy. In addition, private citizens must also be able to initiate action to ensure compliance with the control requirement.

(5) The emissions reductions must be permanent or the timeframe for the reductions must be specified.

(6) The Federal agency must document the emissions reductions and provide a copy of the document to the State or tribal air quality agency and the EPA regional office for review. The documentation must include a detailed description of the emission reduction strategy and a discussion of how it meets the requirements of paragraphs (b)(1) through (5) of this section.

(c) Use of emission reduction credits. The emission reduction credits created in accordance with paragraph (b) of this section can be used, subject to the following limitations, to reduce the emissions increase from a Federal action at the facility for the conformity evaluation.

(1) If the technique used to create the emission reduction is implemented at the same facility as the Federal action and could have occurred in conjunction with the Federal action, then the credits can be used to reduce the total direct and indirect emissions used to determine the applicability of the regulation as required in § 93.153 and as offsets or mitigation measures required by § 93.158.

(2) If the technique used to create the emission reduction is not implemented at the same facility as the Federal action or could not have occurred in conjunction with the Federal action, then the credits cannot be used to reduce the total direct and indirect emissions used to determine the applicability of the regulation as required in § 93.153,

## Environmental Protection Agency

Pt. 94

but can be used to offset or mitigate the emissions as required by §93.158.

(3) Emissions reductions credits must be used in the same year in which they are generated.

(4) Once the emission reduction credits are used, they cannot be used as credits for another conformity evaluation. However, unused credits from a strategy used for one conformity evaluation can be used for another conformity evaluation as long as the reduction credits are not double counted.

(5) Federal agencies must notify the State or tribal air quality agency responsible for the implementation of the SIP or TIP and EPA Regional Office when the emission reduction credits are being used.

[75 FR 17278, Apr. 5, 2010]

EFFECTIVE DATE NOTE: At 75 FR 17278, Apr. 5, 2010, §93.165 was added, effective July 6, 2010.

## PART 94—CONTROL OF EMISSIONS FROM MARINE COMPRESSION-IGNITION ENGINES

### Subpart A—General Provisions for Emission Regulations for Compression-Ignition Marine Engines

Sec.

- 94.1 Applicability.
- 94.2 Definitions.
- 94.3 Abbreviations.
- 94.4 Treatment of confidential information.
- 94.5 Reference materials.
- 94.6 Regulatory structure.
- 94.7 General standards and requirements.
- 94.8 Exhaust emission standards.
- 94.9 Compliance with emission standards.
- 94.10 Warranty period.
- 94.11 Requirements for rebuilding certified engines.
- 94.12 Interim provisions.

### Subpart B—Test Procedures

- 94.101 Applicability.
- 94.102 General provisions.
- 94.103 Test procedures for Category 1 marine engines.
- 94.104 Test procedures for Category 2 marine engines.
- 94.105 Duty cycles.
- 94.106 Supplemental test procedures for Category 1 and Category 2 marine engines.
- 94.107 Determination of maximum test speed.
- 94.108 Test fuels.

- 94.109 Test procedures for Category 3 marine engines.

### Subpart C—Certification Provisions

- 94.201 Applicability.
- 94.202 Definitions.
- 94.203 Application for certification.
- 94.204 Designation of engine families.
- 94.205 Prohibited controls, adjustable parameters.
- 94.206 Required information.
- 94.207 Special test procedures.
- 94.208 Certification.
- 94.209 Special provisions for post-manufacture marinizers and small-volume manufacturers.
- 94.210 Amending the application and certificate of conformity.
- 94.211 Emission-related maintenance instructions for purchasers.
- 94.212 Labeling.
- 94.213 Submission of engine identification numbers.
- 94.214 Production engines.
- 94.215 Maintenance of records; submittal of information; right of entry.
- 94.216 Hearing procedures.
- 94.217 Emission data engine selection.
- 94.218 Deterioration factor determination.
- 94.219 Durability data engine selection.
- 94.220 Service accumulation.
- 94.221 Application of good engineering judgment.
- 94.222 Certification of engines on imported vessels.

### Subpart D—Certification Averaging, Banking, and Trading Provisions

- 94.301 Applicability.
- 94.302 Definitions.
- 94.303 General provisions.
- 94.304 Compliance requirements.
- 94.305 Credit generation and use calculation.
- 94.306 Certification.
- 94.307 Labeling.
- 94.308 Maintenance of records.
- 94.309 Reports.
- 94.310 Notice of opportunity for hearing.

### Subpart E—Emission-related Defect Reporting Requirements, Voluntary Emission Recall Program

- 94.401 Applicability.
- 94.402 Definitions.
- 94.403 Emission defect information report.
- 94.404 Voluntary emissions recall reporting.
- 94.405 Alternative report formats.
- 94.406 Reports filing; record retention.
- 94.407 Responsibility under other legal provisions preserved.
- 94.408 Disclaimer of production warranty applicability.